

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims and Explanation of Amendments

Claims 1, 4-7, 9, 12 and 13 are pending. Claims 1, 6, 7, 9, 12 and 13 are rejected. Claims 4 and 5 are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this paper, all of the rejected claims (i.e., claims 1, 6, 7, 9, 12 and 13) are cancelled without prejudice or disclaimer. Claims 4 and 5 are rewritten in independent form to include all of the limitations of the base claims. No new matter will be added by the entry of this amendment.

Rejections

Claims 1, 4-6 and 12 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action indicates that “[w]ith respect to claims 1 and 12, neither the method of detecting ..., nor the method of inspecting... produce any tangible result.”

Claims 1, 6, 7 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,805,866 to Magome et al. (“Magome”) in view of U.S. Patent No. 7,019,836 to Mishima (“Mishima”).

Claims 12 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Magome in view of Mishima, and further in view of U.S. Patent Application Publication No. 2001/0007498 to Arai et al. (“Arai”).

As indicated above, claims 1, 6, 7, 9, 12 and 13 have been cancelled rendering the rejections directed to these claims moot.

Allowable Subject Matter

Claims 4 and 5 have been objected to as being dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form.

As indicated above, claims 4 and 5 have been rewritten in independent form. Additionally, claim 4 has been further amended to correct the typo, i.e., the relationship " $N_s = \alpha \cdot (Mr/Ar)^2/Nm$ " has been amended to read -- $N_s \geq \alpha \cdot (Mr/Ar)^2/Nm$ --.

Applicant believes that the application as amended containing only allowable claims is in condition for allowance and such action is respectfully requested.

CONCLUSION

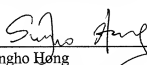
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5256.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 4, 2006

By: _____


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CONCLUSION

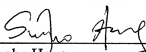
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